
APPLICANT RESPONSE STATEMENT VARIANCE 1

As directed by the City of Woodstock, the Applicant responds to the following queries that the City of Woodstock has determined are relevant in balancing the interests in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

1) Explain requested variance.

Vary form based code section 18.205 regarding block standards to allow a block with a 2,000 foot perimeter and another block for a 2,275 foot perimeter.

2) How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.

The proposed church use for the subject property creates a need to connect the main sanctuary with classroom space for safety reasons. This creates a situation where the block that will contain the sanctuary and separate classroom space will be larger than allowed pursuant to the form based code. Additionally, the parking deck that will serve the entire property also creates a larger block. Attached find a graphic showing the size of these blocks.

3) How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

To use the property as a church requires larger block sizes

4) How the special conditions and circumstances do not result from the actions of the applicant.

Church service and classroom space is a special circumstance that drives this request.

5) How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.

The requested variances relates specifically to this property and this use. If there are other conditions on other property, they would have to apply for a specific variance for those situations.

- 6) **How no non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.**

The requested variances relates specifically to this property and this use. If there are other conditions on other property, they would have to apply for a specific variance for those situations.

- 7) **Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).**

The larger block created by connecting the classroom space and the sanctuary is the minimum block size that can accommodate a proposed use. In order to minimize this variance, the applicant will be building five (5) separate buildings and connecting them with condition space that will respect the proposed street grid required by the form based code. The climate controlled connection will be only one (1) story with a lot of windows to minimize the actual connection between the buildings. The block created by the parking deck is in a location adjacent to the railroad tracks and it will be taking advantage of the grade differential to create a two story parking deck that will be recessed into the ground.

- 8) **Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

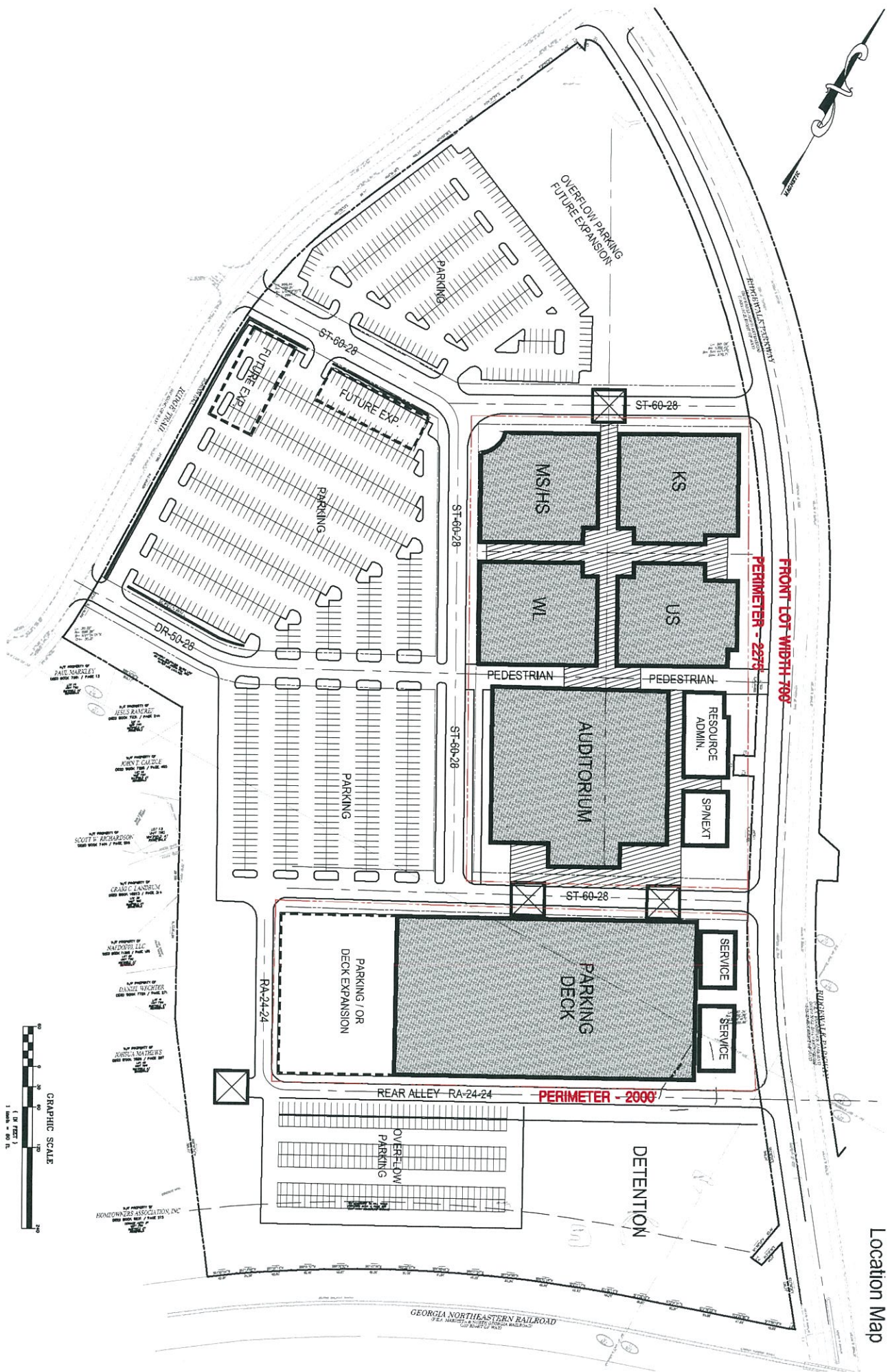
Although the applicant is seeking a larger block size, this is minimized by the treatment of the connection between the separate buildings and the fact that the parking deck will actually be an on grade parking deck with parking beneath due to the grade changes on the property.

This the 1 day of Nov, 2012.

By: SAMS, LARKIN & HUFF, LLP



Parks F. Huff, Esq.



Location Map